

REMARKS

Claims 38-57 are pending.

Claims 38, 39, 42, 47-49 and 55 stand rejected under 35 USC §102(b) as being allegedly anticipated by Sasaki (JP 08-324194).

Claims 40, 41, 44-46, 50-54, 56, and 57 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Sasaki in view of Berkson (US 5,627,348).

Interview Summary:

A copy of the statement of the substance of the interview filed June 17, 2004 is herewith enclosed.

Changes in the Claims:

Claims 38, 42, 49, 53, 55, and 56 have been amended in this application to further particularly point out and distinctly claim subject matter regarded as the invention. No new matter has been added.

Claim 38 has been amended to include the limitation of a sensor configured to send sensor signals to a host computer based on "a coordinate position of the stylus against the surface." Support for the above limitation may be found in the specification in the paragraph starting at Col. 16, line 34: "the stylus 220 can be used in conjunction with a tablet that detects the point of contact between the stylus and the tablet or the position of the stylus over the tablet. The coordinates of the point of contact can be provided ...".

Claim 42 has been amended to include the limitation of “a constant force”.

Support for the above limitation may be found in the specification in the paragraph starting at Col. 17, line 7: “For example, vibrations, jolts, constant forces, or textures...”.

Claim 49 has been amended to include the limitation of detecting “a coordinate position of the stylus against a surface.” Support for the above limitation may be found in the specification in the paragraph starting at Col. 16, line 34: “the stylus 220 can be used in conjunction with a tablet that detects the point of contact between the stylus and the tablet or the position of the stylus over the tablet. The coordinates of the point of contact can be provided ...”.

Claims 53 and 56 have been amended to replace the term “a surface” with “the surface” to comply with the antecedent basis requirement.

Claim 55 has been amended to include the limitation of “sensing a coordinate position of a stylus against a surface to produce a sensed signal; sensing a coordinate position signal...; applying a modulated force ... in response to the coordinate position signal...”. Support for the above limitation may be found in the specification in the paragraph starting at Col. 16, line 34: “the stylus 220 can be used in conjunction with a tablet that detects the point of contact between the stylus and the tablet or the position of the stylus over the tablet. The coordinates of the point of contact can be provided ...”.

Rejection under 35 USC §102(b) – claims 38, 39, 42, 47-49, and 55

Claims 38, 39, 42, 47-49 and 55 stand rejected under 35 USC §102(b) as being allegedly anticipated by Sasaki (JP 08-324194). This rejection is respectfully traversed.

A claim must be anticipated for a proper rejection under §102(a), (b), and (e). This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”; see MPEP §2131 and *Verdegaal Bros. V. Union Oil*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1984). A rejection under §102(b) may be overcome by showing that the claims are patentably distinguishable from the prior art; see MPEP §706.02(b).

Sasaki describes a vibrating pen. The pen includes a stylus 24 that vibrates in response to a coil 21 and a magnet structure 20. A “position sensor 11 detects the distance between d of self and the end of a shaft 18, and outputs the location detecting signal Sp to CPU 28 through the position-sensor interface 32 and Bus B.” CPU28 “supervise[ing] and control[ing] the oscillation frequency and the amplitude of a shaft 18.”

Claim 38 claims “a sensor configured to send sensor signals to a host computer based on a **coordinate position of the stylus against the surface.**” The sensor 11 in Sasaki detects the distance d between the top of the shaft 18 and the top of the upper housing 10 regardless of the coordinate position of the stylus against the surface. The vibration of the stylus causes a deformation on the workpiece 9. The sensor 11 as described in Sasaki does not send sensor signals based on a coordinate position of the stylus against the surface. Thus, Sasaki does not teach or suggest sending sensor signals based on a coordinate position of the stylus against the surface.

Claim 39 claims “the actuator is configured to modify the length of the stylus”. However, Claim 39 depends on Claim 38. The arguments set forth above regarding base

Claim 38 are equally applicable here. Base Claim 38 being allowable, dependent Claim 39 must also be allowable.

Claim 40 claims “the power source includes a battery”. However, Claim 40 depends on Claim 38. The arguments set forth above regarding base Claim 38 are equally applicable here. Base Claim 38 being allowable, dependent Claim 40 must also be allowable.

Claim 42 claims “a constant force”. The force applied to the stylus in Sasaki is a variable force by alternating the current supplied to the actuator in the stylus to create a vibration. Thus, Sasaki does not teach or suggest “a constant force”. Furthermore, Claim 42 depends on Claim 38. The arguments set forth above regarding base Claim 38 are equally applicable here. Base Claim 38 being allowable, dependent Claim 42 must also be allowable.

Claim 47 claims the actuator configured to vibrate at a high frequency. Claim 47 depends on Claim 38. The arguments set forth above regarding base Claim 38 are equally applicable here. Base Claim 38 being allowable, dependent Claim 47 must also be allowable.

Claim 48 claims the sensor is disposed within the surface. The Office Action alleges that Sasaki teaches a stylus 24 moving forward and the point 24a collides with the front face of a work piece 9, and thus provides a sensor disposed within a surface. However, Sasaki describe that the impulse force creates a deformation in the workpiece. Such deformation in the workpiece does not send sensor signals based on a coordinate position of contact between the stylus and the surface. Claim 48 depends on Claim 38.

The arguments set forth above regarding base Claim 38 are equally applicable here. Base Claim 38 being allowable, dependent Claim 48 must also be allowable.

Claim 49 claims a “sensor configured to detect a position of contact between the stylus and a surface”. The sensor 11 in Sasaki detects the distance d between the top of the shaft 18 and the top of the upper housing 10 regardless of the position of the point of contact between the stylus and the tablet or the position of the stylus over the surface. The sensor 11 as described in Sasaki is not configured to detect a coordinate position of contact between the stylus and the surface. Thus, Sasaki does not teach or suggest sensor configured to detect a coordinate position of contact between the stylus and a surface.

Claim 55 claims “sensing a position of contact between a stylus and a surface to produce a sensed signal”. The sensor 11 in Sasaki detects the distance d between the top of the shaft 18 and the top of the upper housing 10 regardless of the coordinate position of the point of contact between the stylus and the tablet or the position of the stylus over the surface. The sensor 11 as described in Sasaki does not sense a coordinate position of the stylus against the surface. Thus, Sasaki does not teach or suggest sensing a coordinate position of the stylus against the surface to produce a sensed signal.

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 38, 39, 42, 47-49 and 55 are now in condition for allowance.

Rejection under 35 USC §103(a) – claims 40, 41, 44-46, 50-54, 56, and 57

Claims 40, 41, 44-46, 50-54, 56, and 57 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Sasaki in view of Berkson. (US. Patent No. 5,627,348). This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a prima facie case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See In re Royka, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Berkson describes an electronic stylus having a tip that writes onto a surface. The tip is moved for non-marking writing and creates an actual writing resistance. There are no sensor detecting the coordinate position of the tip on the surface.

Even if Sasaki and Berkson were to be combined in the manner proposed, the proposed combination would not possess all of the claim limitations of claims 40, 41, 44-46, 50-54, 56, and 57. In particular, neither Sasaki nor Berkson describe a sensor configured to send sensor signals to a host computer based on “a coordinate position of the stylus against the surface.”

Applicant therefore submits that the rejection based the Sasaki and Berkson reference is improper and should be withdrawn. Thus, Applicant submits that claims Sasaki and Berkson recite novel subject matter which distinguishes over any possible combination of Sasaki and Berkson.

Conclusion


For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
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